

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35643 of 2016

Arising Out of PS.Case No. -129 Year- 2015 Thana -JAMUI District- JAMUI

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Md. Abbas Ali Haidar having LIC agent Code No.02426024 son of Late Abdul Razaq, resident of Mohalla- Thana Chowkpurab, Purani Bazar, Jamui, P.S.-Jamui, District- Jamui

.... Petitioner/s

Versus

1.State of Bihar

2. Musrat Nazim @ Anjum wife of Nazim, resident of village-Lohra, P.S.- Jamui, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 28-07-2017 Heard learned counsel for the petitioner and learned counsel for the State.

2. This application under Section 482 of the Code of Criminal Procedure (for short 'CrPC') has been filed for quashing of the order dated 11.03.2016 passed by the learned Chief Judicial Magistrate, Jamui by which he has taken cognizance of the offences punishable under Sections 420, 120B, 406, 467, 468, 470, 471, 323 and 504 of the Indian Penal Code (for short 'Penal Code') against the petitioner in connection with Jamui P.S. Case No.129 of 2015.

3. Initially, one Musrat Nazim @ Anjum had filed a complaint case in the court of Chief Judicial Magistrate, Jamui,



which was referred to the police under Sub Section (3) of Section 156 of the CrPC for investigation pursuant to which Jamui P.S. Case No.129 of 2015 was registered on 08.05.2015 for the offences punishable under Sections 420, 120B, 406, 467, 468, 470, 471, 323 and 504 of the Penal Code against the petitioner Md. Abbas Ali Haidar and his wife Abibi Fatima.

4. It is alleged in the complaint that the petitioner being an LIC agent took several cheques from the complainant for depositing the same in the accounts of the LIC against the premium of the policies purchased by her. However, the petitioner withdrew those amounts from the accounts of the complainant and did not deposit the same in the accounts of the LIC. It is also alleged that the petitioner took premium from the complainant for the policies which had already been matured even beyond the term of the policies.

5. The matter was investigated upon by the police and the allegations made in the FIR were found true. Accordingly, charge-sheet was submitted pursuant to which the learned Magistrate took cognizance of the offences against the petitioner but his wife was not sent up for trial.

6. After having perused the materials available on record, the learned Magistrate, Jamui vide order dated 11.03.2016



accepted the final report submitted against the wife of the petitioner, but took cognizance of the offences against the petitioner. The afore-stated order dated 11.03.2016 is under challenge in the present application.

7. After some arguments, learned counsel for the petitioner sought for leave of the Court to withdraw the present application in order to raise all the points available to the petitioner at the stage of framing of charge.

8. Leave is granted.

9. The application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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